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House of Representatives

Washington, DC 20515

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The Honorable **Bryant L. Van Brakle**  
Secretary  
Federal Maritime Commission  
800 North Capitol Street, N.W.  
Room 1046  
Washington, D.C. 20573

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Dear Secretary Van **Brakle**:

I understand that the National Customs Brokers **and** Forwarders Association of America has requested the Commission to exempt non-vessel operating common carriers (NVOCCs) **from** being required to establish, maintain, and enforce rate tariffs with their customers. I encourage you to closely investigate this request and follow the changes that were made by Congress in the Ocean Shipping Reform Act (**OSRA**) of 1998.

During consideration of **OSRA**, Congress was concerned about the economic regulation **of the** open ocean shipping industry. **Congress** ultimately concluded that the rigid system of common carrier tariffs was burdensome and **inefficient** and that shippers should be able to enter into confidential service contracts with steamship lines. Based on the Commission's report, these **revisions** to the Shipping Act have now proven to be beneficial to shippers and carriers alike and have made the ocean-shipping marketplace far more efficient and competitive. In fact, it now appears that the movement to contract carriage has been so **successful** that few shippers, carriers, and NVOCCs ever look at or otherwise use common carrier **tariffs** as a means to establish pricing for the movement of cargo.

Congress also expanded the Commission's exemption authority to provide a mechanism by which it could exempt individual companies or the industry as a whole **from** unnecessary regulatory requirements. It appears that NVOCC rate tariffs are unduly burdensome and no longer serve a useful purpose since the rates between those entities and their customers **normally** are individually negotiated and only later memorialized in **tariff** form. Please consider exempting the NVOCCs **from** this largely formalistic requirement.

I also understand that several NVOCCs have filed petitions, seeking an exemption that would permit them to enter into confidential ocean service contracts **with** their **customers**. While I believe that each petition should be judged on its own merits, I encourage you to give each of these petitions your fullest consideration.

Thank you for your work, and please contact me or have your staff contact my Legislative Director, Jayda Justus, at 202-225-1976 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue", with a long horizontal flourish extending to the right.

Sue Myrick  
Member of Congress

SM/jj